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The ITT Affair: Dry Creek or Dismal Swamp?

When Richard Nixon was accepting the Republican nomination in Miami Beach in the summer of 1968, he brought a roar from the convention by promising nothing more than to bring a new Attorney General to Washington, which, when you think about it, is no big deal; new Presidents generally do. But Law and Order was the issue, and it developed, especially in the 1970 mid-term elections, into a major theme; it was the familiar "clean as a hound's tooth" cry, first propounded by the Republicans in 1952. Since then we have continued to hear a lot about purity and moral rectitude and no quarter for wrong do-ers and it is against this history that one must weigh the allegations of some connection between last summer's settlement of the ITT antitrust case and that corporation's apparent agreement to underwrite a considerable, if undetermined, portion of the costs of this year's Republican Convention in San Diego.

These allegations have already raised serious questions about the role played in this matter by the first Attorney General that Mr. Nixon brought to Washington, John Mitchell, by his would-be successor, Richard Kleindienst, and also by the White House. In short, it is not just the nomination of Mr. Kleindienst which is hanging in the balance when the Senate Judiciary Committee resumes its hearings on the ITT affair on Tuesday. It is the performance of the Nixon administration on a promise which has been central to two successive Republican campaigns. And beyond that, it is the performance of the American political process itself, for the ITT case comes along at a time when public confidence in the integrity of the System, in all its workings, has rarely been so low.

It is not going to be enough, then, to brush off this affair in the manner of Senate Republican Leader Hugh Scott, with his blithe statement that the Democrats are "on a fishing expedition up a dry creek." The Democrats are surely fishing. But we have already seen and heard quite enough to know that this is no dry creek. Rather, what we are beginning to get, courtesy of the indefatigable Jack Anderson, is one of those all too rare, imperfect, but authentic glimpses of what might better be called the Dismal Swamp of American Politics. It is a world inhabited by lobbyists and fixers and by politicians with short memories, and a large contempt for public sensitivities, and one suspects that we are going to see a lot more of it before this case is closed. That, at any rate, is the clear obligation of the Senate Judiciary Committee—to get to the bottom of this affair, as best it can, not just for the purpose of reaching a judgment on the qualifications of Mr. Kleindienst to be the country's chief law enforcer, but because the ITT case raises so many critical questions about the performance of this administration and about the workings of our political system as well.

Item: Last December, in response to an inquiry from Lawrence O'Brien, the chairman of the Democratic National Committee, Mr. Kleindienst stated categorically that the ITT antitrust case "was handled and negotiated *exclusively*" by the former head of the Justice Department's antitrust division, Richard McLaren, now a federal judge. We emphasize the word "exclusively" because if it means anything, it would seem to mean that Mr. Kleindienst himself was not in any way involved; yet, under questioning, he now concedes that he met a number of times with an ITT director, as a consequence of which, by his own account, he "set in motion a series of events by which Mr. McLaren became persuaded . . . that he ought to come off his position." (Mr. McLaren's position had been that ITT ought to divest itself of the $2-billion Hartford Fire Insurance Co. rather than of other holdings it was ultimately required to part with under the terms of an out-of-court settlement.) It also has been alleged that

White House aide Peter Flannigan had a hand in picking a former business associate to act as "financial adviser" to help the anti-trust division decide the ITT case.

This doesn't mean that Mr. McLaren didn't decide the case for himself, and still less does it prove that the decision was dictated by Mr. Kleindienst or the White House, or that ITT's financial backing of the Republican convention had anything to do with it. But it does raise a serious question about Mr. Kleindienst's first account that the case was handled *exclusively* by Mr. McLaren and the anti-trust division, and that is enough to invite suspicion, at the least, about the rest of it.

Item: In a statement last Monday, Mr. Mitchell asserted, again quite categorically, that he "was not involved in any way with Republican Committee convention negotiations and had no knowledge of anyone on the committee or elsewhere dealing with ITT. I do not know as of this date what arrangements, if any, exist between the Republican National Committee and ITT." Yet the Lieutenant Governor of California, Ed Reinecke, has stated at one point that he briefed Mr. Mitchell last May on just about every aspect of the planning for the San Diego convention, specifically including ITT's role; after some reflection, he changed the time of his briefing to September; either way, what he is saying is that Mr. Mitchell was extensively briefed about convention arrangements, as would seem entirely logical, since he masterminded Mr. Nixon's 1968 campaign, and has resigned to take on the same assignment this year. On the face of these statements, it would seem that somebody is not telling the truth.

Item: In a remarkable inter-office memo, which Columnist Anderson has made public, Mrs. Dita Beard, a lobbyist for ITT, is on record as saying that what she describes as "our noble effort (i.e., the convention financing, which she estimates at $400,000 in services and cash) has gone a long way toward our negotiations on the mergers eventually coming out as Hal (ITT President Harold Geneen) wants them." She also asserts that "Mitchell is definitely helping us." It is not necessary to believe her account in order to wonder a little about it, and to want to hear more from Mrs. Beard, who disappeared when the story first broke and is last reported in a hospital in Denver.

These are just some of the discrepancies in the record as we know it and what they show at this point is mainly that there is obviously a lot more to be known. There is the larger question, just to start with, of how one of the world's greatest corporations could think it proper or publicly acceptable, while its fate was in the hands of a Republican administration's antitrust department, for it to be secretly arranging to underwrite a large part of the Republican Party convention. There is the other side of that question, which is how a responsible government, or political party, could find no impropriety here — even assuming that the ITT case was uninfluenced by the ITT contribution to the Republican cause.

One answer is that nobody was supposed to know; that it happens all the time; that this is the way the game is played, and that the only difference here is that we have gotten an unaccustomed glimpse of it. But that is no answer at all when we are confronted with the sort of questions already raised by the little we know about the ITT case. Once this far into the Dismal Swamp, there is nothing for the Senate Judiciary Committee to do but to press on, not only for the bearing the ITT affair may have on Mr. Kleindienst's nomination, or for what it may say about the performance of the Nixon administration, but for the sake of public confidence—or what's left of it—in the way the System works.